

11/14/2011

In Re: Controlled Substances

Transcription

**REGULATION HEARING  
CONTROLLED SUBSTANCES**

**NOVEMBER 14, 2011**

**HEARING OFFICER: JERRY PADULA**

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1 MR. PADULA: Okay. Good morning everyone. I'm Attorney  
2 Jerry Padula. I'm an attorney with the Department of Consumer  
3 Protection. Pve been chosen to be a Hearing Officer designated  
4 by the Commissioner for this morning's Public Hearing on  
5 Proposed Regulations Concerning Controlled Substances. Today is  
6 November 14, 2011, and the time is now 10:06 in the morning.  
7 We're here today in Room 119 in the State Office Building, which  
8 is located at 165 Capitol Avenue here in the Capital City of  
9 Hartford, Connecticut. On October 11, 2011, the Department of  
10 Consumer Protection published a Notice of Intent to Amend  
11 Regulations in the Connecticut Law Journal. These regulations  
12 are being proposed in accordance with the authority granted in  
13 Connecticut General Statutes, Sections 4-168, which is part of  
14 the Uniform Administrative Procedures Act, and 21a-248 and also  
15 Public Acts 2011-73 and 2011-210. For the record, a copy of  
16 that Law Journal Notice, which was published on October 11,  
17 2011, will be entered into the record as Exhibit A. I'll just  
18 leave a copy of it here for anyone who wishes to look at it.  
19 We also had a Fiscal Note prepared by the Agency which  
20 reflects that there is no specific fiscal impact on the  
21 Department, and that Fiscal Note will be marked into the record  
22 as Exhibit B. And the Department also prepared a Small Business  
23 Impact Analysis Statement and also has notified the Department  
24 of Small Business Affairs at the Department of Economic and  
25 Community Development of our notice of our intent to amend the

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1 regulations today.  
2 Pursuant to Connecticut General Statutes 4-168a, when  
3 drafting these proposed regulations, the Department did consider  
4 the objectives while minimizing the adverse impact on small

5 businesses and considered the 5 methods that are listed in  
6 Connecticut General Statutes 4-168a. And that Small Business  
7 Impact Statement, which was also referred to in the Law Journal  
8 Notice, will be marked into the record as Exhibit C. There were  
9 no other additional exhibits received by the Department prior to  
10 today. Anyone wishing to provide any written documents, please  
11 feel free to do so, and those will also be marked into the  
12 official record as an exhibit.

13 At this point, we will begin by having the persons who  
14 signed up on our speaker sign-in sheet to give their oral  
15 comments. And again, you can leave written comments with me  
16 also. The first person on that list is Bonnie Smith with the  
17 Connecticut Prevention Network, which is located in East  
18 Hartford. Let me slide this down.

19 MS. SMITH: Okay.

20 MR. PADULA: Do you have written comments also?

21 MS. SMITH: I do.

22 MR. PADULA: Okay. I'll take that statement.

23 MS. SMITH: Thank you. Thank you for this opportunity to  
24 testify on this important issue. I serve currently as the  
25 president of the Connecticut Prevention Network, which is an

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1 association of Connecticut's 13 regional action councils, which  
2 are partnerships that serve to prevent and reduce substance  
3 abuse and related issues and promote wellness in each of  
4 Connecticut's 169 towns. Our organization is in strong support  
5 of the proposed changes to the Public Acts 11-73 and 11-210, and  
6 that has to do with the regulation, as you know, of salvia,  
7 synthetic marijuana, and bath salts. We're in strong support  
8 and really encouraging expediency with this issue as across the  
9 state we have seen an increase in the use of these substances  
10 among youth, young adults, and others. And my colleague will  
11 discuss later some of the detail regarding that and some data in  
12 the community around these substances and their use, but we do  
13 know that these substances are readily available in convenience  
14 stores, smoke shops, and on the Internet and that there are no  
15 age restrictions around their use. And additionally, their  
16 packaging is really enticing to youth. So not only are they  
17 readily available, but they're very attractive, and the cost of  
18 them is not particularly high as well either. So we do know  
19 that youth access them easily and do not know the harm that can  
20 be associated with their use.

21 Parents as well, and adults, make assumptions that because  
22 these substances are currently on the shelves and there are no

23 restrictions around their use that they're safe for  
24 experimentation and use as well. So we really would like to  
25 push forward these regulations as quickly as possible 'cause we

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1 do know in the community there have been reports of youth and  
2 young adults ending up in the emergency room because of  
3 confusion, hallucinations, heart palpitations, in some cases, I  
4 believe, seizures, and I think Michelle might be able to  
5 elaborate a little bit more on that.

6 So I won't belabor the point. We're just here to really  
7 encourage this to move forward quickly so we can get these  
8 products off the shelf as soon as possible.

9 MR. PADULA: Thank you. The next person on the list is  
10 Michelle Devine from the Southeastern Regional Action Network,  
11 which is located in Uncasville.

12 MS. DEVINE: Hello. My name is Michelle Devine, and I am  
13 the executive director of the Southeastern Regional Action  
14 Council, which serves the 20 towns in Southeastern Connecticut.  
15 I also serve as the vice president of the Connecticut Prevention  
16 Network. I am testifying today in strong support of the  
17 proposed changes to the Controlled Substance Act under Public  
18 Act 11-73 and 11-210. The legislature directed the DCP  
19 Commissioner to regulate salvia, synthetic marijuana, and bath  
20 salts and also included new chemical formulations that may arise  
21 in the future. The proposed regulations carried out the clear  
22 intent of this legislation.

23 These new designer drugs have swept in our state very  
24 quickly over the last 2 years and have caught many unprepared.  
25 Until recently, the users of these drugs have had free reign to

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1 use during school, work, on parole, or during any other  
2 situation or time of day. Now that it has gained media  
3 coverage, the right people are asking the right questions and  
4 finding that we are on the verge of a serious problem. Our  
5 office in Southeastern Connecticut has been collecting data and  
6 fielding calls on a regular basis from the community members  
7 asking for education, resources, and support with enforcement on  
8 these substances.

9 In Southeastern Connecticut, we have seen an increase in  
10 use of these substances among youth and young adults. Our most  
11 recent youth survey, regional youth survey, 2008 through 2010,  
12 showed 4.5% of 11th and 12th graders have used salvia in their

13 lifetime and up to 10% in one of our communities alone.  
14 Synthetic marijuana lifetime use rates are up to 13% regionally  
15 since we started survey in 2009. As mentioned before, these  
16 products are easy to access, and they can be purchased at any  
17 convenience stores. We have gone around, SEBAC, we have, our  
18 staff has gone around and done an  
19 stores in our region that could--  
20 the right currently to sell these  
21 are selling these products. Each store, when I speak with the  
22 owners or the person behind the counter, each store gets to  
23 choose their own price, and some use the increased revenue to  
24 expand their products and also their related drug paraphernalia.  
25 So we're not only seeing the increase in the product themselves,

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1 product themselves, those designers drugs, we're seeing an  
2 increase in the drug paraphernalia that goes along with it.  
3 These products are not considered safe and are not closely  
4 monitored. The DEA has enough concern to be placed, to place a  
5 1-year ban while they study these products. There's no control  
6 on--with synthetic marijuana in particular--there's no control  
7 on how much the chemical is being sprayed on any mixture of  
8 earth. Local law enforcement, parents, educators, community  
9 members need support of our state government to deal with these  
10 new designer drugs that are being used and sold in our  
11 community, schools, and some of our homes. Currently we receive  
12 about 5 to 10 calls a week asking for information on these  
13 substances. We have local schools and police departments  
14 stopping in on a regular basis asking for information on the  
15 product and telling stories about how students feel there are no  
16 consequences, so they are saying, you know, yes I'm smoking, you  
17 know, I'm smoking K2, you know. And the schools are asking what  
18 they can do about it. So Connecticut joined the many other  
19 states in passing the law, but I urge the Department to move  
20 forward with the proposed regulations and to support our  
21 communities and our law enforcement to have restrictions in  
22 place on these substances.

23 MR. PADULA: Thank you. Is there anyone else that wishes  
24 to testify today? You're just here for some moral support?  
25 Okay. I think there will be some other testimony coming in from

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1 one of our division directors and staff. So with that, I will  
2 leave the record open for this hearing for 1 week until the

3 close of business next Tuesday. So also, if you have any other  
4 interested parties that wish to provide any written documents,  
5 please do so. Any documents that are provided can be directed  
6 directly to the Commissioner, William Rubenstein. And his  
7 office is located in this building on 65 Capitol Avenue, Room  
8 103. Okay? Thank you.  
9 Now the Department will be reviewing all of the testimony  
10 and the documents received. The transcript, of course, will be  
11 provided to us for our review, and we'll be considering whether  
12 any revisions need to be made to the regulations, proposed  
13 regulations, as we have provided them in that notice on October  
14 11. And pursuant to the Uniform Administrative Procedures Act,  
15 we'll then move forward with the proposed regulations by sending  
16 them to the Attorney General's office where they will review  
17 them for legal sufficiency, and if they pass through the  
18 Attorney General's office without any problems, the regulations  
19 will go to the Regulation Review Committee of the General  
20 Assembly where they will go on the agenda for a vote over at the  
21 Capital. And if they're approved there, they'll be effective on  
22 filing with the Secretary of State's office. Okay?  
23 With that, if there's no other comments, I'll note the  
24 time is now 10:17, and this hearing is now adjourned. Thank you  
25 all for coming.

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### 3 CERTIFICATE

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5 I, Karen Johnson, do hereby certify that the foregoing  
6 transcription is a true and accurate record to the best of my  
7 ability, transcribed from an audio cassette, of the Regulation  
8 Hearing on Controlled Substances held on Monday, November 14,  
9 2011.

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11 IN WITNESS WHEREOF, I sign my name this 28th day of  
12 December, 2011.

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15

16 Karen Johnson

December 28, 2011

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